CENTRAL FAX CENTER

FEB 0 7 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Nehls et al.

Confirmation No.:

9822

Application No.: 09/398,253

Art Unit:

1637

Filed:

September 17, 1999

Examiner:

Young J. Kim

For:

NOVEL HUMAN

Attorney Docket No:

CHARLES BOOK

POLYNUCLEOTIDES AND

CAM No.:

8535-026-999 307031-999025

POLYPEPTIDES ENCODED

THEREBY

WITHDRAWAL OF APPEAL

Mail Stop Appeal Brief - Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP § 1215.01 and prior to a decision by the Board, Applicants hereby withdraw without prejudice the Appeal Brief filed on July 28, 2004 in the aboveidentified marter in favor of filing a Continuation Application under 37 C.F.R. § 1.53(b).

Respectfully submitted.

Date:

January 4, 2005

JONES DAY

222 East 41st Street

New York, New York 10017

(212) 326-3939

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on January 4, 2005 to facsimile telephone number 571-272-0052.

- 1 -

NYID: 1558255.1

PAGE 3/31 RCVD AT 2/7/2005 5:07:59 PM [Eastern Standard Time] 1 SVR:USPTO-EFXRF-1/31 DNIS:87293061 CSID:+21275573061 DURATION (mm-ss):01-12

FEB 0 7 2005



Facsimile Transmission

CHARLEN TO THE TOTAL TOT 222 East 41st Street · New York, NY 10017-6702 · 212/326-3939 Facsimile: 212/755-7306

		Date <u>2/7/05</u>
Please hand deliver the following facsimile to:		
Name: Bo	and of Patent Appeals + Tutus	Facsimile No.: 703-872-9306
Company:	USPTO	Number of Pages (Including this page):
Telephone No.:		
Send copies to:		From: Susin S. Chery Telephone No.: 212-326-3879
	Copies distributed Facsimile Operator's initials	CAM NO.: 307031-999025
NOTICE: This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at or the direct telephone number noted above.		
Message: Further to your request, attached one courtescy Copies of documents filed January 4, 2005		

Please call us immediately if the facsimile you receive is incomplete or illegible. Our telephone number is 212/326-3974. Please ask for the facsimile operator.

ATLANTA · BEIJING · BRUSSELS · CHICAGO · CLEVELAND · COLUMBUS · DALLAS · FRANKFURT · HOUG KONG · HOUSTON IRVINE - LONDON - LOS ANGELES - MADRID - MENLO PARK - MILAN - MUNICH - NEW DELHI - NEW YORK PARIS - PITTSBURGH - SAN DIEGO - SAN FRANCISCO - SHANGHAI - SINGAPORE - SYDNEY - TAIPEI - TOKYO - WASHINGTON

PAGE 1/3 * RCVD AT 2/7/2005 5:07:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:+2127557306 * DURATION (mm-ss):01-12